



PTO/SB/08A (10-01)

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Sheet 1 of 10

Substitute for form 1449A/PTO										Docket Number 213839-00013			Application Number 09/726,219					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)										Applicant McCafferty <i>et al.</i>								
										Filing Date November 28, 2000			Group Art Unit 1627					
U. S. PATENT DOCUMENTS																		
EXAMINER INITIAL		DOCUMENT NUMBER							DATE		NAME		CLASS		SUB CLASS		FILING DATE IF APPROP.	
PP		A1	6	3	3	1	4	1	5		Cabilly <i>et al.</i>		435		69.6		6/10/88	
↓		A2	07/	2	4	0	1	6	0	3/22/90	Ladner application							
FOREIGN PATENT DOCUMENTS																		
		DOCUMENT NUMBER							DATE		COUNTRY		CLASS		SUB CLASS		Translation	
																	Yes	
PP		B1	WO 88/01649							3/10/88		PCT WIPO						
↓		B2	GB9022845.3							10/19/90		Great Britain						
↓		B3	GB9024503.6 patent application							11/12/90		Great Britain						
↓		B4	GB 9104744.9 patent application							3/6/91		Great Britain						
↓		B5	EP-A-0 368 684							5/16/90		Great Britain						
↓		B6	GB9015198.6 priority document							7/10/90		Great Britain						
↓		B7	GB 9022845.3 priority document							10/19/90		Great Britain						
↓		B8	GB 9104744.9 priority document							3/6/91		Great Britain						
↓		B9	GB9110549.4 priority document							5/15/91		Great Britain						
↓		B10	EP-B-0 349 578 B1							11/30/94		Great Britain						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)																		
PP		C1	First Amended Complaint, Filed March 8, 2002 - Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (24 pages) (U.S. District Court, District of Columbia)(signed by John S. Skilton, Attorney for Plaintiff.)															
PP		C2	Cambridge Antibody Technology Limited's Answer to First Amended Complaint, Filed March 22, 2002 - Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia)(signed by Brian H. Corcoran, Attorney for Defendant).															
EXAMINER P. Ponnabun										DATE CONSIDERED 2/18/04								
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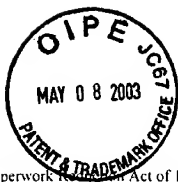
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		Filing Date November 28, 2000	Group Art Unit 1627	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)				
PP ↓	C3	Il'ichev, A.A., <i>et al.</i> , "M13 Filamentous Bacteriophage in Protein Engineering", Molekulyarnaya Biologiya, Vol. 24, No. 2, pp. 530-535, (March-April 1990).		
	C4	Il'ichev, A.A., <i>et al.</i> , "M13 Filamentous Bacteriophage for Protein Engineering", Molekulyarnaya Biologiya, Vol. 24, No. 2, pp. 530-535, (March-April 1990). (In Russian with Translated Abstract)		
	C5	Redacted Agreement Between Medical Research Council and Cambridge Antibody Technology Limited and Cambridge Antibody Technology Group plc, made 01 January 1997		
	C6	Deposition Transcript of David W. Clough, taken April 19, 2002 (Morphosys AG v. Cambridge Antibody Technology Limited, U.S. District Court, Northern District of Illinois, Eastern Division).		
	C7	E.I. du Pont de Nemours v. Cetus Corp., 19 USPQ2d 1174, (DC N.Cal. 1990).		
	C8	OddzOn Products Inc. v. Just Toys Inc., 43 USPQ2d 1641 (CAFC 1997).		
	C9	Deposition Transcript of George P. Smith, Ph.D., taken 14 May 2002, Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
	C11	Deposition Transcript of Dr. David Chiswell, taken 29 April 2002; Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
	C12	Deposition Transcript of Dr. Gregory Paul Winter, taken April 30, 2002; Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
	C13	Vol. I - Deposition Transcript of Sean Malcolm Walton, taken 01 May 2002, Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
	EXAMINER <i>P. Pennahun</i>		DATE CONSIDERED <i>2/18/04</i>	
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P1	C14	Vol. II - Deposition Transcript of Sean Malcolm Walton, taken 02 May 2002, Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)	
	C15	Chiswell memo, dated 30 July 1990, transmitting a copy of the Collaborative Agreement between Cambridge Antibody Technology and The Medical Research Council, dated July 27, 1995.	
	C16	Declaration of George P. Smith, Ph.D., Under 37 C.F.R. § 1.132, executed 30 June 1995 (submitted during the prosecution of U.S. Application No. 08/322,352).	
	C17	Declaration of Brian K. Kay, Ph.D., executed 28 June 1998, (submitted during the prosecution of European Appln. No. 91913039.3)	
	C18	Abstract of George P. Smith, Grant No. 1R01GM41478-01A1, Project Start Date: July 1, 1989, Dept. of Health & Human Services.	
	C19	Smith Grant Application, entitled: "Filamentous Phage Physiology", dated November 1, 1988	
	C20	Administration Agreement between Cambridge Antibody Technology Ltd. and Medical Research Council, dated 01 August 1991 (Redacted).	
	C21	Fax from John McCafferty (of Cambridge Antibody Technology Limited) to Sean Walton (of Mewburn Ellis) regarding the Smith grant application.	
	C22	E-mail message from John McCafferty (of Cambridge Antibody Technology Limited) to Brian Kay regarding the Smith grant application	
	C23	Letter to Craig Panner (of the Academic Press) from John McCafferty (Cambridge Antibody Technology Limited) regarding the Smith grant application	
	C23 A	Fax to John McCafferty, Ph.D. (of Cambridge Antibody Technology Limited) from Craig Panner (of Academic Press) dated June 10, 1996.	
	C24	Smith, G. P., "1988 - A Year of Discovery", <i>Phage Display of Peptides and Proteins</i> , Academic Press, Inc. (1996), pp. xvii-xix.	
✓	C25	Northern Telecom Inc. v. Datapoint Corp., 15 USPQ 1321., (CAFC 1990).	
	C26	Letter of Dr. Smith Re: NIH grant proposals, Dated June 27, 1997	
EXAMINER <i>P. Ponnaluri</i>		DATE CONSIDERED <i>2/18/04</i>	
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PP	C27	Barbas and Lerner "Combinatorial Immunoglobulin Libraries on the surface of phage (Phabs): rapid selection of anti-specific fabs." Methods: a companion to methods in Enzymology Vol. 2 (2): 119-124 (1991).	
	C28	Interlocutory Decision in Opposition Proceedings to the European Patent EP-B-0589877 dated April 15, 2002 (reference number SMW/CP9503921)	
	C29	Notice of Appeal to the European Patent EP-B-0589877 from Dyax Corp., filed June 17, 2002	
	C30	Communication from EPO on Notice of Appeal filed by Dyax, issued October 21, 2002	
	C31	Notice of Appeal to the European Patent EP-B-0589877 from BioInvent Therapeutic AB, filed June 14, 2002	
	C32	Appeal No. T0639/02-334 from BioInvent Therapeutic AB to the European Patent EP-B-0589877, filed August 22, 2002	
	C33	Notice of Appeal to the European Patent EP-B-0589877 from MorphoSys AG filed June 20 2002 and Grounds of the Appeal filed August 22, 2002	
	C34	Notice of Appeal filed June 24, 2002 and Grounds of Appeal filed August 22, 2002 from Cambridge Antibody Technology Limited against the Decision of the Opposition Division	
	C35	Notice of Opposition to the European Patent EP-B-0589877 from BioInvent International AB, filed October 24 2002	
	C36	Document D80 in Appeal No. T0639/02-334: HHS' Freedom of Information Act (FOIA) regulations: table of contents, 5.1, 5.2, 5.3, 5.5, 5.21, 5.22, 5.24, 5.31, 5.32, 5.33, 5.34, 5.35, 5.51, 5.61 and 5.65	
	C37	Document D81 in Appeal No. T0639/02-334: Smith Declaration	
✓	C38	Document D82 in Appeal No. T0639/02-334: Copy of Grant Application GM 41478 and renewal applications supplied by the DHH	
EXAMINER P. Ponnaluri		DATE CONSIDERED 2/18/04	
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PP	C39	Document D83 in Appeal No. T0639/02-334: Letter dated 26 August 1999 from Cambridge Antibody Technology Ltd in opposition proceedings against EP 0 527 839	
	C40	Document D85 in Appeal No. T0639/02-334: Proprietor's letter of 12 November 1997 and amended claims	
	C41	Document D86 in Appeal No. T0639/02-334: EP 0774 511 A1	
	C42	Document D87 in Appeal No. T0639/02-334: Proprietor's letter of 15 November 2000	
	C43	Document D88 in Appeal No. T0639/02-334: Grounds of Appeal dated 22 August 2002 from present opponent in opposition proceedings against EP 0589 877	
	C44	Document D89 in Appeal No. T0639/02-334: OD's Written Interlocutory Decision in opposition proceedings against EP 0 589 877	
	C45	Document D90 in Appeal No. T0639/02-334: Marvin & Hohn (1969). Bacteriological Rev 33(2), 172-209	
	C46	Document D91 in Appeal No. T0639/02-334: Better et al. (1988). Science 240, 1041-1043	
	C47	Document D92 in Appeal No. T0639/02-334: Sambrook & Russel (2001). Molecular cloning: a laboratory manual 3rd Edition, Cold Spring Harbor Press: particular pages 18.115 to 18.122 "Filamentous phage display"	
	C48	Notice of Opposition to the European Patent EP-B-0589877 from Crucell Holland B.V., filed October 30 2002	
	C49	Document D13: Communication of the European Office of 28 June 2001	
	C50	Document D17: Vieira and Messing (1987), Methods Enzymol. 153, 3-11	
EXAMINER <i>P. Ponnasuri</i>		DATE CONSIDERED <i>2/18/04</i>	
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RP	C51	Document D27: Details of Smith Grant application and second and third year renewals thereof as provided by the DHHS in response to a Freedom to Information Act (FOIA) request	
	C52	Notice of Opposition to the European Patent EP-B-0589877 from Dyax Corp.	
	C53	Document D1: EPO register print-out for the patent application with file history information	
	C54	Document D3: Claims filed with the divisional application	
	C55	Document D7: Pluckthun and Skerra, "Expression of functional antibody Fv and Fab fragments in <i>Escherichia coli</i> ," <i>Methods in Enzymology</i> , Vol. 178 (1989), pages 497-515	
	C56	Document D8: Hoogenboom <i>et al.</i> , "Multi-subunit proteins on the surface of filamentous phage: methodology for displaying antibody (Fab) heavy and light chains," <i>Nucleic Acids Research</i> , Vol 19, No. 15 (1991), pages 4133-4137.	
	C57	Notice of Opposition to the European Patent EP-B-0589877 from MorphoSys, filed October 30 2002	
	C58	Document D1: Genentech, US Patent Application 07/621,667, priority document to EP 92902109.5	
	C59	Opposition to European patent EP-B-0589877, cited opposition document D2: Nelson <i>et al.</i> "Filamentous phage DNA cloning vectors: a noninfective mutant with a nonpolar deletion in gene III", <i>Virology</i> 108: 338-350 (1981)	
	C60	Opposition to European patent EP-B-0589877, cited opposition document D3: McCoy and Khorana "Introduction and characterization of amber mutations in the bacteriorhodopsin gene", <i>J. Bio. Chem.</i> 258: 8456-8461 (1983)	
	C61	Opposition to European patent EP-B-0589877, cited opposition document D5: Bullock <i>et al.</i> "XL1-blue: a high efficiency plasmid transforming <i>recA</i> <i>Escherichia coli</i> strain with beta-galactosidase selection", <i>Bio Techniques</i> 5: 376-378 (1987)	
	C62	Opposition to European patent EP-B-0589877, cited opposition document D6: Schnee <i>et al.</i> "Construction and expression of a recombinant antibody-targeted plasminogen activator", <i>Proc. Natl. Acad. Sci. USA</i> 84:6904-6908 (1987)	
EXAMINER P. Ponnahini		DATE CONSIDERED 2/15/04	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
PA	C63	Opposition to European patent EP-B-0589877, cited opposition document D9: De La Cruz <i>et al.</i> "Immunogenicity and epitope mapping of foreign sequences via genetically engineered filamentous phage", <i>J. Bio. Chem.</i> 263: 4318-4322 (1988)	
	C64	Opposition to European patent EP-B-0589877, cited opposition document D15: Parmley and Smith "Filamentous fusion phage cloning vectors for the study of epitopes and design of vaccines", <i>Adv. Exp. Med. Biol.</i> 251: 215-218 (1989)	
	C65	Opposition to European patent EP-B-0589877, cited opposition document D18: Chaudhary <i>et al.</i> "A recombinant immunotoxin consisting of two antibody variable domains fused to <i>Pseudomonas</i> exotoxin", <i>Nature</i> 339: 394-397 (1989)	
	C66	Opposition to European patent EP-B-0589877, cited opposition document D23: US 517 659 "Affymax priority document", entitled "Recombinant Library Screening Methods", priority document filed 1 May 1990 for EP-A-0 527 839 (Article 54(3) EPC)	
	C67	Opposition to European patent EP-B-0589877, cited opposition document D26: Scott and Smith "Searching for peptide ligands with an epitope library", <i>Science</i> 249: 386-389 (1990)	
	C68	Opposition to European patent EP-B-0589877, cited opposition document D27: Devlin <i>et al.</i> "Random peptide libraries: a source of specific protein binding molecules", <i>Science</i> 249: 404-405 (1990)	
	C69	Opposition to European patent EP-B-0589877, cited opposition document D37: Markland <i>et al.</i> "Design, construction and function of a multicopy display vector using fusions to the major coat protein of bacteriophage M13", <i>Gene</i> 109: 13-19 (1991)	
	C70	Opposition to European patent EP-B-0589877, cited opposition document D38: Roberts <i>et al.</i> "Directed evolution of a protein: selection of potent neutrophil elastase inhibitors displayed on M13 fusion phage", <i>Proc. Natl. Acad. Sci. USA</i> 89: 2429-2433 (1992)	
	C71	Opposition to European patent EP-B-0589877, cited opposition document D39: Glockshuber <i>et al.</i> "The disulfide bonds in antibody variable domains: effects on stability, folding in vitro, and functional expression in <i>Escherichia coli</i> ", <i>Biochemistry</i> 31: 1270-1279 (1992)	
	C72	Opposition to European patent EP-B-0589877, cited opposition document D41: Kay <i>et al.</i> "Phage display of peptides and proteins". A laboratory Manual (1996) (Cover page and Foreward enclosed)	
✓	C73	Opposition to European patent EP-B-0589877, cited opposition document D42: Proba <i>et al.</i> "A natural antibody missing a cysteine in V _H : consequences for thermodynamic stability and folding", <i>J. Mol. Biol.</i> 265: 161-172 (1997)	
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PP	C74	Opposition to European patent EP-B-0589877, cited opposition document D43: Proba <i>et al.</i> "Antibody scFv fragments without disulfide bonds made by molecular evolution", <i>J. Mol. Biol.</i> 275: 245-253 (1998)	
	C75	Opposition to European patent EP-B-0589877, cited opposition document D44: Letter of 18 November 1992 to EPO from Kilburn Strode in prosecution of EP-B-0 349 578	
	C76	Opposition to European patent EP-B-0589877, cited opposition document D45: Page 3 of EPO letter of 19 October 1993 addressed to Plougmann, Ole (c/o Plougmann Vingtoft A/S) in prosecution of EP-B-0 768 377	
	C77	Opposition to European patent EP-B-0589877, cited opposition document D46: Letter of 22 September 1994 to EPO from Plougmann & Vingtoft in prosecution of EP-B-0 768 377	
	C78	Opposition to European patent EP-B-0589877, cited opposition document D47: Extract from OD Decision in opposition proceedings against EP-B-0 201 184, (1995)	
	C79	Opposition to European patent EP-B-0589877, cited opposition document D48: Letter of 14 February 1996 to EPO from Hepworth, Lawrence, Bryer & Bizley in prosecution of EP-A-0 527 839, 1996	
	C80	Opposition to European patent EP-B-0589877, cited opposition document D49: the Boards of Appeal of the European Patent Office decision of 8 May 1996, case number T694/92 - 3.3.4	
	C81	Opposition to European patent EP-B-0589877, cited opposition document D50: Extract from opposition proceeding against EP-B-0 349 578 (1996)	
	C82	Opposition to European patent EP-B-0589877, cited opposition document D51: Extract from OD Decision in proceedings against EP-B-0 349 578 (1998)	
	C83	Opposition to European patent EP-B-0589877, cited opposition document D53: Declaration of professor sir Aaron Klug, Ph.D. with exhibits, (23 June 1998)	
	C84	Opposition to European patent EP-B-0589877, cited opposition document D54: preprint of paper by Scott and Smith submitted to Science	
	C85	Opposition to European patent EP-B-0589877, cited opposition document D55: Smith grant application	
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PP	C86	Opposition to European patent EP-B-0589877, late filed document D56: claim for infringement of 24 September 1998, from Cambridge Antibody Technology Limited to EPO	
	C87	Opposition to European patent EP-B-0589877, late filed document D58: McConnell <i>et al.</i> "Constrained peptide libraries as a tool for finding mimotopes", <i>Gene</i> 151: 115-118 (1994).	
	C88	Opposition to European patent EP-B-0589877, late filed document D59: two chapters of "Lambda II" (eds. Hendrix <i>et al.</i>) Cold Spring Harbour Laboratory, Cold Spring Harbour, New York, 1983: "A Beginner's Guide to Lambda Biology" (Arber) (pp. 381-395) and "Tail Assembly and Injection" (Katsura) (pp. 331-346).	
	C89	Opposition to European patent EP-B-0589877, late filed document D60: Parmley & Smith "Filamentous fusion phage cloning vectors for the study of epitopes and design vaccines", <i>Adv. Exp. Med. Biol.</i> 251: 251-8 (1989).	
	C90	Opposition to European patent EP-B-0589877, late filed document D63: Declaration of William D. Huse, MD, Ph.D. (17 August 1999)	
	C91	Opposition to European patent EP-B-0589877, late filed document D66: Crissman & Smith, "Gene-III protein of filamentous phages: evidence for a carboxyl-terminal domain with a role in morphogenesis", <i>Virology</i> 132: 445-455 (1994).	
	C92	Opposition to European patent EP-B-0589877, late filed document D67: Declaration of Dr. Viia Valge-Archer (3 May, 2000)	
	C93	Opposition to European patent EP-B-0589877, late filed document D68: Declaration of Dr. Hiroshi Ueda (3 May, 2000)	
	C94	Opposition to European patent EP-B-0589877, late filed document D69: First Declaration of Dr. Rachel B. Kent (4 February, 2000).	
	C95	Opposition to European patent EP-B-0589877, late filed document D71: letter of patentees filed at USPTO on 16 July 1996.	
	C96	Opposition to European patent EP-B-0589877, late filed document D72: letter of patentees filed at USPTO on 6 March 1997.	
	C97	Opposition to European patent EP-B-0589877, late filed document D73: Opposition by CAT against EP-B-0 564 531.	
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P	C98	Opposition to European patent EP-B-0589877, late filed document D74: Decision of EPOD on EP-B-0 201 184.	
	C99	Opposition to European patent EP-B-0589877, late filed document D75: Declaration of Prof. Andreas Plückhun (3 May, 2000).	
	C100	Opposition to European patent EP-B-0589877, late filed document D76: Notice of grant awarded to Smith grant application.	
	C101	Opposition to European patent EP-B-0589877, late filed document D77: Endemann and Model "Location of filamentous phage minor coat proteins in phage and in infected cells", <i>J. Mol. Biol.</i> 250: 496-506 (1995). The document was objected to by patentees.	
	C102	Opposition to European patent EP-B-0589877, late filed document D79: Extract from MorphoSys website.	
	C103	Opposition to European patent EP-B-0589877, late filed document D80: Written Decision dated 26 May 2000 to revoke EP-B-0436597.	
	C104	Opposition to European patent EP-B-0589877, late filed document D81: 2nd Declaration of Dr. Viia Valge-Archer (31 May, 2000).	
	C105		
	C106		
	C107		
	C108		
C109			
EXAMINER P. Ponnaluri		DATE CONSIDERED 2/18/09	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.			